

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KEVIN WILLIAMS,

Plaintiff,

vs.

Civ. No. 02-454 WWD/RLP ACE

SANDIA HEATING AND PLUMBING,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion for Summary Judgment [docket no. 20] filed December 23, 2002. Plaintiff has alleged that he was not hired because he was discriminated against on the basis of his race. Defendant's principal defense is that Plaintiff was unqualified for the job of plumber's helper which was being filled at Defendant's company. On the basis of submissions of counsel, particularly the portions of depositions cited by Plaintiff, I cannot rule as a matter of law that Plaintiff was not qualified for the position he sought. Accordingly, Defendant's Motion for Summary Judgment should be denied.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE